IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 10201 of 2004

Between:

K. Jagan Mohan, S/o. K. Subbaiah,
E.No.412119, R/o. Madanpally, Chittoor District.

..... PETITIONER

AND

1 A.P. State Road Transport Corporation, Rep. by its Managing Director,
Musheerabad, Hyderabad-20
2 The Regional Manager, A.P.S.R.T.C., Kadapa Region,
Kadapa.
3 The Depot Manager, A.P.S.R.T.C., Palamaner Depot,
Palamaner, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 3rd respondent and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the action of 3rd respondent in proceedings No. M1/2(11)/2004-PLMR, dated 5-5-2004, deleting name of the Petitioner from the approved list/select list with immediate effect as illegal, unjust, contrary to law, arbitrary, discriminatory, amounts to unfair labour practice, in violation of principles of natural justice, and violative of Articles 14, 16 and 21 of the Constitution of India; and grant all consequential benefits;

Counsel for the Petitioner:MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY

SC for APSRTC

The Court Made the Following :

O R D E R:

Heard both sides. At the request of the learned counsel appearing on both sides, the main writ petition, itself, is heard and disposed of.

The present writ petition is filed questioning the order passed by the third respondent in proceedings No.M1/2(11)/ 2004-PLMR, dated:5-5-2004 deleting the name of the petitioner from the approved list/select list of the Conductors.

It is submitted by the learned counsel for the petitioner that while the petitioner was working as a Conductor, on 3-4-2004, one lady passenger alighted from the bus, before the bus came to halt and sustained injuries. Thereupon alleging misconduct against the petitioner, a show cause notice was issued. The petitioner submitted explanation to the said show cause notice, explaining the reasons therefor. It is submitted that without considering the explanation submitted by the petitioner and without giving him an opportunity of being heard, the third respondent passed the impugned order.

Learned counsel for the petitioner submitted that the question involved for adjudication in this writ petition is squarely covered by a decision of this Court in *A. Hemalatha vs. APSRTC*[1], *wherein it was held:*

> *"Therefore, it was imperative for the respondents to conduct an inquiry. It is also contended by the learned counsel for the respondents that the Corporation Rules do not contemplate an inquiry with respect to daily wageworkers. That might be so, but it is against the rules of natural justice to punish a person by creating a stigma for her, which would hurt her through out her life, without even conducting an enquiry. Since inquiry has not been*

conducted and an order has been passed which creates a stigma, therefore, the order cannot sustain."

In the present case also, admittedly, no inquiry was conducted by the third respondent before inflicting the punishment upon the petitioner, through the proceedings impugned herein.

Following the decision of this court in the case of *A. Hemalatha (1 supra)* the proceedings impugned herein have to be set aside.

In the result the writ petition is allowed setting aside the proceedings dated:5-5-2004 issued by the third respondent. However, it is made clear that this order will not preclude the respondents from taking disciplinary action, if any, against the petitioner as per law. In the circumstances no costs.

_____

K.C.BHANU, J.

23—6—2004

BVS*

1 Managing Director, A.P. State Road Transport Corporation, Musheerabad, Hyderabad-20
2 The Regional Manager, A.P.S.R.T.C., Kadapa Region, Kadapa.
3 The Depot Manager, A.P.S.R.T.C., Palamaner Depot, Palamaner, Chittoor District.
4.2CCs to
5.2CD copies

[1] W.P.NO.401/2000 dt.22-6-2000.